

To: Shmuel Klein, Esq.  
268 West Route 59  
Spring Valley, NY 10977

*Attorney for Plaintiff*

I make this acknowledgement as counsel for Capital One F.S.B. (erroneously sued in this action as Capital One Healthcare Finance) ("Capital One"), and I am fully authorized to do so. I acknowledge receipt by Capital One of your request that Capital One waive service of a summons in the action entitled *Laverde v. Capital One, et al.*, No. 07 Civ. 4838 (S. D. N. Y.). Capital One has received a copy of the complaint in the action, and two copies of an instrument for use in waiving service of the summons.

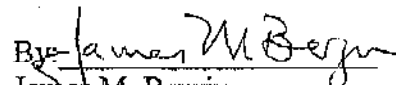
Capital One agrees to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that it be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.

Capital One will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court, except for objections based on a defect in the summons or in the service of the summons.

Capital One understands that a judgment may be entered against it if an answer or motion under Rule 12 of the Federal Rules of Civil Procedure is not served on you within 60 days after the date your request was sent.

Dated: July 2, 2007

MORRISON & FOERSTER LLP

  
James M. Bergin  
1290 Avenue of the Americas  
New York, NY 10104  
(212) 468-8000

*Attorneys for defendants*  
Capital One F.S.B. (erroneously sued as  
Capital One Healthcare Finance)